

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE WAVE STUDIO, LLC,

Plaintiff,

v.

CITIBANK, N.A.; SOUTHWEST
AIRLINES CO.; AIR CANADA;
EMERGING TRAVEL GROUP; RATE
HAWK; AND ZEN HOTELS

Defendants.

No. 7:22-cv-05141-CS

**STIPULATION TO (1)
CONSOLIDATE THIS ACTION
WITH *THE WAVE STUDIO, LLC V.
GENERAL HOTEL MANAGEMENT
LTD., ET AL.* (CASE NO. 13-CV-
09239-CS); (2) STAY THIS ACTION
PENDING THE RESOLUTION OF
PROCEEDINGS BEFORE THE
SINGAPORE COURT; AND
(3) EXTEND SOUTHWEST
AIRLINES CO.'S DEADLINE TO
ANSWER OR OTHERWISE
RESPOND TO THE COMPLAINT**

WHEREAS, on or around December 31, 2013, Plaintiff The Wave Studio, LLC (“Plaintiff”) filed an action against General Hotel Management Ltd. (“GHM”), and other defendants, in United States District Court for the Southern District of New York, White Plains Division (Judge Cathy Seibel, Case No. 13-cv-09239-CS) (the “GHM Action”), alleging copyright infringement claims;

WHEREAS, on or around July 3, 2014, Judge Seibel stayed the GHM Action as to all other defendants except for GHM (Case No. 13-cv-09239-CS, Dkt. No. 67);

WHEREAS, on March 10, 2017, Judge Seibel issued an Opinion and Order (Case No. 13-cv-09239-CS, Dkt. No. 209) in the GHM Action dismissing the claims against GHM on *forum non conveniens* grounds so the issue of ownership of the copyrights at issue could be litigated before the Singapore court and continuing the stay of all claims of Plaintiff against all other defendants and the cross-claims against GHM pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, Plaintiff filed additional actions alleging copyright infringement claims involving the same copyrighted works and copyright registrations as in the GHM Action, which are all member or related cases to the GHM Action currently before Judge Seibel (14-cv-08322-CS, 15-cv-03420-CS, 15-cv-04953-CS, 15-cv-05392-CS, 15-cv-05960-CS, 15-cv-05962-CS, 15-cv-06995-CS, 15-cv-07950-CS, 17-cv-03589-CS, and 21-cv-2691-CS), and which are stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court;

WHEREAS, on or around June 18, 2022, Plaintiff filed the above-captioned action against defendants Citibank, N.A., Southwest Airlines Co., Air Canada, Emerging Travel Group, Rate Hawk, and Zen Hotels in the United States District Court for the Southern District of New York (Case No. 22-cv-05141-CS) alleging copyright infringement claims involving copyrighted works and copyright registrations previously asserted in the GHM Action and related cases (Dkt. 1);

WHEREAS, on June 22, 2022, Plaintiff filed a Statement of Relatedness indicating that the above-captioned action is related to the GHM Action, as well as the cases previously deemed related to the GHM Action (Dkt. 13);

WHEREAS, on June 24, 2022, the Court accepted the above-captioned action as similar to the GHM Action, created an association between this case and the GHM Action, and reassigned this case to Judge Cathy Seibel and Magistrate Judge Paul E. Davidson;

WHEREAS, the current deadline for Southwest Airlines Co. to answer or otherwise respond to the complaint in the above-captioned action is July 29, 2022 (Dkt. 35), and the parties agree that it would promote judicial efficiency to extend such response deadline until after the stay in the GHM Action is lifted given this Stipulation, and so that Southwest Airlines Co. will share the same deadline to answer or otherwise respond to the complaint as the defendants in the Booking Holdings Action (Case No. 21-cv-2691-CS, Dkt. No. 38); and

WHEREAS, the parties have made no prior requests to extend any deadlines in this action; **IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys for the respective parties hereto, as follows:

1. That the above-captioned action be consolidated as a member case to the GHM Action;
2. That the above-captioned action be stayed pending the resolution of the action between Plaintiff and GHM before the Singapore courts; and
3. That, if the above-captioned action is (a) consolidated with the GHM Action and stayed pending the resolution of the action between Plaintiff and GHM before the Singapore court, or (b) not consolidated with the GHM Action as a member case but stayed pending the resolution of the action between Plaintiff and GHM before the Singapore courts, Southwest Airlines Co. will answer or otherwise respond to Plaintiff's complaint within sixty (60) days of the stay being lifted or as otherwise set by the Court in the GHM Action; in the alternative, if (c) the above-captioned action is not consolidated with the GHM Action and is not stayed pending the resolution of the action between Plaintiff and GHM before the Singapore courts, Southwest Airlines Co. will answer or otherwise respond to Plaintiff's complaint by August 29, 2022.

Dated: July 28, 2022

FISH & RICHARDSON P.C.

By: /s/ Kristen McCallion
Kristen McCallion
Vivian Cheng
7 Times Square, 20th Floor
New York, New York 10036
Telephone: (212) 765-5070
mccallion@fr.com
cheng@fr.com

Attorneys for Defendant Southwest Airlines Co.

RIMON P.C.

By: /s/ Vijay K. Toke
Vijay K. Toke
423 Washington Street, Suite 600
San Francisco, CA 94111
Telephone: (415) 683-5472
vijay.toke@rimonlaw.com

Maxim H. Waldbaum
Anna Freymann
100 Park Avenue, 16th Floor

New York, New York 10017
Telephone: (212) 363-0270
maxim.waldbaum@rimonlaw.com
anna.freymann@rimonlaw.com

Attorneys for Plaintiff The Wave Studio, LLC

SO ORDERED.



CATHY SEIBEL, U.S.D.J.

Dated: July 29, 2022